



# MISSOURI DEPARTMENT OF NATURAL RESOURCES

## Hazardous Substances Emergency Response Cost Recovery Information

Technical Bulletin  
4/2001

Division of Environmental Quality  
Environmental Services Program

Local fire departments often respond to events involving the release of a hazardous substance. This technical bulletin is intended to help local hazardous substance emergency responding agencies recover cleanup costs in accordance with sections 260.500 through 260.550, Revised Statutes of Missouri, sometimes called the "Spill Bill."

### Missouri Statute

Missouri state law (RSMo Sect. 260.546) states, "In the event that a hazardous substance release occurs for which a political subdivision or volunteer fire protection association as defined in section 320.300, RSMo, provides emergency services, the person having control over a hazardous substance shall be liable for such reasonable cleanup costs incurred by the political subdivision or volunteer fire protection association. Such liability includes the cost of materials, supplies and contractual services actually used to secure an emergency situation. The liability may also include the cost for contractual services which are not routinely provided by the department or political subdivision or volunteer fire protection association. Such liability shall not include the cost of normal services which otherwise would have been provided. Such liability shall not include budgeted administrative costs or the costs for duplicate services if multiple response teams are requested by the department or political subdivision unless, in the opinion of the department or political subdivision, duplication of service was required to protect the public health and environment. Such liability shall be established upon receipt by the person having control of the spilled hazardous substance of an itemized statement of costs provided by the political subdivision.

"Full payment shall be made within 30 days of receipt of the cost statement unless the person having control over the hazardous substance contests the amount of the costs pursuant to this section. If the person having control over the hazardous substance elects to contest the payment of such costs, he shall file an appeal with the director within 30 days of the receipt of the cost statement."

### Recommended Procedure

The following steps should be followed when trying to recover costs incurred while handling a hazardous substance release. Remember that the billing is to recover actual costs while trying to mitigate the release of the hazardous substance. Its purpose is not to acquire new equipment that may be used by the agency for future responses. An attached price guide has been provided by the Missouri Department of Public Safety, Division of Fire Safety to assist in determining an appropriate equipment usage cost rate.



1. An itemized, detailed bill (see attached example invoice) should be sent via certified mail, with a return receipt requested, to the person having control of the hazardous substance (owner, responsible party, etc.). If equipment was destroyed and compensation is being sought, explain how and why it was lost, including information as to how the replacement cost was determined. This bill should include copies of all bills for any assistance that was required from other departments as defined in the statute. It should be noted that the person having control of the hazardous substance can contest the billing if done in accordance with the law.

2. If payment is not received within 30 days, resubmit the detailed billing via certified mail, with a return receipt requested, along with a copy of the Missouri State law (RSMo Sect. 260.546) copied above. It is important to outline the part of the law that states, "Full payment shall be made within 30 days of receipt of the cost statement." Also, it would be advisable to note to them that "John Doe" signed for the initial statement, which was sent earlier.

3. If the second step is unsuccessful at recovering costs incurred, your agency will need to seek legal counsel (city attorney, county prosecutor, etc.) to assist with the cost recovery.

## **Appeal of Emergency Expenses**

If the person having control over the hazardous substance elects to contest the payment of such costs, he/she must file an appeal with the director of the Missouri Department of Natural Resources within 30 days of receipt of the cost statement. If a billing is contested, it is important that the agency trying to collect incurred costs has submitted an itemized, detailed bill. This itemized detailed bill and proper supporting documentation (narrative incident summary, final reports, invoices, receipts, etc.) will help the director in resolving the appeal in a timely manner.

Questions about cost recovery may be directed to the department's Environmental Services Program at 1-800-361-4827 or (573) 526-3315.

## **Other Sources of Financial Assistance**

### **Fire Association Billing**

1. Missouri State law section 320.302 allows non-tax supported fire departments that respond to emergencies of nonmembers or nonsubscribers to charge a fee. The amount may be up to \$100 for responding to the emergency and \$500 for each hour or a proportional sum for each quarter hour spent providing emergency services.

### **Local Government Reimbursement**

2. The U.S. Environmental Protection Agency (EPA) has a program designed to reimburse local governments that have been affected by costs beyond those routinely incurred when dealing with a hazardous substance release. The Local Governments Reimbursement Program (LGR) is found under federal regulations at 40 CFR Part 310, which defines a hazardous substance in section 101 (14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). Only emergencies involving CERCLA compounds will be eligible for compensation using the LGR program. This does not include petroleum, crude oil or any fraction thereof.

The LGR program will reimburse local governments for expenses incurred in carrying out temporary emergency measures. These measures must be necessary to prevent or mitigate injury to human health or the environment associated with the release of any hazardous substance,

pollutant or contaminant. The financial relief is limited to \$25,000 per single response. To obtain more information about the LGR program or to receive an application, call 1-800-431-9209.

### **Oil Pollution Act**

3. The EPA has a program designed to reimburse cost associated with petroleum releases that enter or threaten to enter U.S. waters. The Oil Pollution Act improved the nation's ability to prevent and respond to oil spills by establishing provisions that expand the federal government's ability and provide money and resources necessary to respond to oil spills. To obtain more information about the Oil Pollution Act fund, contact EPA Region 7 at (913) 551-7000.

### **For more information, call or write**

Missouri Department of Natural Resources  
Environmental Services Program  
Environmental Emergency Response Section  
P.O. Box 176, Jefferson City, MO 65102-0176  
1-800-361-4827 or (573) 526-3315  
(573) 526-3350 fax  
([www.dnr.state.mo.us/deq/esp](http://www.dnr.state.mo.us/deq/esp)) Program Home Page

## Anytown, MO Fire Department

### Hazardous Substance Emergency Response Cost Recovery Statement

Responsible Party: XYZ Trucking  
Location: Hwy B & Hwy C Junction  
Date of incident: 1/1/2001

Statement mailing date: 2/15/2001

1000 GPM engine & 3 personnel: 2 hours on scene @ \$150.00/hr = \$ 300.00

Additional personnel: 5 for 2 hours, Total time 10 hrs @ \$25.00/hr = \$ 250.00

Personal Protective Equipment:

Suits: 6 Saranex @ \$12.50 each = \$ 75.00

Gloves: 6 pairs heavy nitrile @ \$2.00/pr = \$ 12.00

Sorbent Materials:

2 -10 ft Booms @ \$20.00 each = \$ 40.00

200 Pads @ \$.25 each = \$ 50.00

5 -10 lb. bags sorbent clay @ \$5.00/ bag = \$ 25.00

Plugging and Patching materials:

Decontamination Supplies:

Communication Costs:

Cellular: \$15.00 (see attached invoice) = \$ 15.00

Other:

Replace 50' of 1.5" fire hose damaged by acid  
(see attached photos and narrative) = \$150.00

**TOTAL COSTS** = **\$917.00**

Please make check payable to Anytown Fire Department.

Thank you,

Chief Joe Smith

Anytown Fire Dept.  
100 S. Main  
Anytown, MO #####



State of Missouri  
**Spiller Pays Cost Recovery**

**Engines:**

<b>Type 1:</b>	<b>Cost/Hr: \$150.00</b>
1000 GPM or Greater, 1200" 2.5" hose or larger, ground ladders, booster tank, includes 3 personnel	
<b>Type 2:</b>	<b>Cost/Hr: \$150.00</b>
500 –750 GPM, 1200" 2.5" hose or larger, ground ladders, booster tank, includes 3 personnel	
<b>Type 3:</b>	<b>Cost/Hr: \$150.00</b>
Telesquirt, includes 3 personnel	
<b>Type 4:</b>	<b>Cost/Hr: \$100.00</b>
Other Engines not fitting above specifications, includes 3 personnel	
<b>Water Tenders (Tankers)</b>	
<b>Type 1:</b>	<b>Cost/Hr: \$175.00</b>
2500 + Gallons, includes driver	
<b>Type 2:</b>	<b>Cost/Hr: \$150.00</b>
1000 – 2499 Gallons, includes driver	

**NOTE:** This information was provided by the Missouri Department of Public Safety, Division of Fire Safety.



State of Missouri  
**Spiller Pays Cost Recovery**

**Rescue Units:**

**Heavy / Medium:**

**Cost/Hr: \$150.00**

Minimum Equipment: Air Bags, Cribbing, Lighting, Hyd/Air operated/electric, extrication tools (ie: Hurst), porta power kit, generator, power saw, includes 3 personnel

**Light:**

**Cost/Hr: \$100.00**

Equipment: Porta power kit, hand tools, includes 3 personnel

**Truck Companies:**

**Type 1:**

**Cost/Hr: \$150.00**

Aerial

**Type 1P:**

**Cost/Hr: \$200.00**

Aerial with pump

**Type 2:**

**Cost/Hr: \$150.00**

Platform Ladder

**Type 2P:**

**Cost/Hr: \$200.00**

Platform with pump

**Type 3:**

**Cost/Hr: \$150.00**

Snorkel

**Type 3P:**

**Cost/Hr: \$200.00**

Snorkel with pump

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State of Missouri  
Spiller Pays Cost Recovery

Brush - Wildland Unit:	
Pump, Tank, Hose, includes 2 personnel	Cost/Hr: \$75.00
Special Equipment / Units:	
Air Teams/Unit	Cost/Hr: \$150.00
Mobile Mechanic	Cost/Hr: \$50.00
Fuel Tender(fuel charged separately)	Cost/Hr: \$50.00
HazMat Unit includes 3 personnel	Cost/Hr: \$150.00
Lighting Units	Cost/Hr: \$150.00
Mobile Communications	Cost/Hr: \$150.00
Foam Unit (Foam charged separately)	Cost/Hr: \$150.00
Personnel:	
Fire Department Personnel	Cost/Hr: \$25.00
*Charges for additional personnel only	
Scuba/Diving Personnel	Cost/Hr: \$25.00
Rappelling Personnel	Cost/Hr: \$25.00
Paramedics / EMTs	Cost/Hr: \$25.00
*Charges for additional personnel only	
Bomb Unit (3 personnel)	Cost/Hr: \$175.00
Bomb Technician/Disposal Personnel	Cost/Hr: \$25.00

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State of Missouri  
**Spillers Pays Cost Recovery**

**Medical Units:**

**Advanced Life Support**

**Cost/Hr: \$125.00**

**Basic Life Support**

**Cost/Hr: \$125.00**

\*includes 2 personnel

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